

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Michael Zajakowski Uhl	Team: Squad #10	CCRB Case #: 202003181	<input checked="" type="checkbox"/> Force <input checked="" type="checkbox"/> Discourt. <input type="checkbox"/> U.S. <input checked="" type="checkbox"/> Abuse <input type="checkbox"/> O.L. <input type="checkbox"/> Injury
Incident Date(s) Friday, 05/01/2020 7:00 PM	Location of Incident: Front of 1260 Sedgwick Avenue	18 Mo. SOL 5/4/2022	Precinct: 44
Date/Time CV Reported Fri, 05/01/2020 9:33 PM	CV Reported At: IAB	How CV Reported: Phone	Date/Time Received at CCRB Mon, 05/11/2020 11:34 AM

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. LCD Michael Raso	00000	933235	F S S

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Rafael Rispoli	12456	956201	SRG 2

Officer(s)	Allegation	Investigator Recommendation
A . LCD Michael Raso	Discourtesy: Lieutenant Michael Raso spoke discourteously to § 87(2)(b)	
B . LCD Michael Raso	Abuse: Lieutenant Michael Raso searched the vehicle in which § 87(2)(b) was an occupant.	
C . LCD Michael Raso	Force: Lieutenant Michael Raso used physical force against § 87(2)(b)	

Case Summary

On May 1, 2020, § 87(2)(b) filed the following complaint with IAB. It was transferred to the CCRB on May 11, 2020 where it received original case #202003181.

Around 7:00 p.m. on May 1, 2020, § 87(2)(b) pulled over his taxi in front of 1260 Sedgwick Avenue to pray, which is right next to the SRG 2 Stationhouse in the Bronx. § 87(2)(b) took out his prayer rug and laid it behind the car and began to pray. About three minutes into his prayer, PO Rafael Rispoli from SRG 2 approached § 87(2)(b) and told him he needed to move his vehicle, as it was blocking the road. § 87(2)(b) ignored PO Rispoli and continued to pray. PO Rispoli stood in silence and did not say anything else to § 87(2)(b). As § 87(2)(b) was finishing up his prayer, Lieutenant Michael Raso of the Firearms Squad approached § 87(2)(b) and told him to “get the fuck out of here.” (**Allegation A, Discourtesy: Word -** § 87(2)(g) § 87(2)(b) walked over to the driver side of the vehicle, opened the door, and sat down. Lieutenant Raso followed him and as he sat down, grabbed his left arm from outside of the vehicle and said “I don’t trust you, give me your keys.” (**Allegation B, Abuse of Authority: Vehicle search -** § 87(2)(g) **Allegation C, Force: Physical force -** § 87(2)(g) § 87(2)(b) responded that Lieutenant Raso was grabbing his arm and the lieutenant responded, “No I’m not,” and let go of § 87(2)(b)’s arm. Lieutenant Raso then asked for § 87(2)(b)’s ID, and then instructed PO Rispoli to issue § 87(2)(b) summons #§ 87(2)(b) for § 87(2)(b) (**Board Review 1**) for refusing to move his vehicle when initially asked.

The investigation received BWC from PO Rafael Rispoli, which was summarized upon receipt. (**Board Review 2 and 3**). The investigation also received security footage from the SRG 2 Stationhouse, which was summarized upon receipt (**Board Review 4, 5, and 13**) and captures a portion of the interaction between § 87(2)(b) and Lieutenant Raso. § 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

Findings and Recommendations

Allegation (A) Discourtesy: Lieutenant Michael Raso spoke discourteously to § 87(2)(b)
Allegation (B) Abuse of Authority: Lieutenant Michael Raso searched the vehicle in which § 87(2)(b) was an occupant.
Allegation (C) Force: Lieutenant Michael Raso used physical force against § 87(2)(b)

On May 1, 2020, § 87(2)(b) filed this complaint with IAB. (**Board Review 6**). He stated that after the brief interaction where PO Rispoli asked him to move his car, Lieutenant Raso approached him and stated “get the fuck out of here,” and proceeded to grab his hand and try and take § 87(2)(b)’s keys. PO Rispoli then issued § 87(2)(b) the summons.

§ 87(2)(b) gave a sworn statement to the investigation (**Board Review 7**). § 87(2)(g) § 87(2)(b). He stated that he was driving his taxi in the Bronx with a customer, when he realized it was his prayer time. He dropped the customer off around Sedgwick Avenue and 167th Street in the Bronx, and parked his car to pray in front of the Stadium Hotel at 1260 Sedgwick Avenue. § 87(2)(b) made a U-Turn to face East, on the opposite side of the street, close to the intersection of 167th and Sedgwick Avenue and almost inside the entrance to the parking lot of the Stadium Hotel. § 87(2)(b) took out his prayer rug from the back of his car and laid down the rug behind his car and began to pray.. About two-three minutes into his prayer, PO Rispoli came up to him and said, “Sir, let’s move here. You cannot stay here. You have to move

your car.” § 87(2)(b) did not respond and continued praying for about two-three more minutes. Just as § 87(2)(b) was about to start packing up, Lieutenant Raso approached his vehicle and told § 87(2)(b) to “Get the fuck out of here.” § 87(2)(b) walked over to the driver side of his vehicle and opened the door and sat down in the driver’s seat. Lieutenant Raso followed him and grabbed his left arm and said “I don’t trust you, give me your keys.” § 87(2)(b) then gave Lieutenant Raso his ID, and Lieutenant Raso told PO Rispoli to issue § 87(2)(b) a summons. § 87(2)(b) waited in his car for approximately five minutes, and PO Rispoli returned with the summons for § 87(2)(b).

PO Rispoli (**Board Review 8**) stated that he noticed § 87(2)(b)’s SUV turn left on Sedgwick Ave. and then make a U-Turn. The SUV parked in the lane in front of the patrol supervisor’s parking lot, blocking traffic. § 87(2)(b) exited his vehicle took out a rug from his trunk and placed it on the street and began to pray. PO Rispoli then saw Lieutenant Raso pull up in his truck, but he could not park the truck because § 87(2)(b) was blocking the parking lot. PO Rispoli let § 87(2)(b) pray for a moment before approaching him said, “You can keep praying, you just need to move your car up.” § 87(2)(b) ignored him. Lieutenant Raso then approached PO Rispoli and § 87(2)(b) and said, “Did you hear what he said?” directly to § 87(2)(b). PO Rispoli did not remember if Lieutenant Raso had asked § 87(2)(b) to move his car. This statement made § 87(2)(b) very angry and he stated that the officers were “swine.” Lieutenant Raso then directed PO Rispoli to go and write § 87(2)(b) a summons in the stationhouse, so he asked § 87(2)(b) for his ID. § 87(2)(b) did not provide his ID at first, but eventually provided it when Lieutenant Raso grabbed his arm. PO Rispoli did not remember if Lieutenant Raso grabbed § 87(2)(b)’s wrist before or after he instructed PO Rispoli to issue him a summons. PO Rispoli did not know exactly what transpired between Lieutenant Raso and § 87(2)(b) when he was in the stationhouse.

The investigation then showed PO Rispoli his BWC from May 1, 2020. The first clip was shown from time stamp 00:00 until time stamp 00:29. PO Rispoli stated that he saw Lieutenant Raso’s hand grabbing § 87(2)(b)’s wrist. He stated that he did that in reaction to § 87(2)(b) calling him and PO Rispoli “names,” such as “animals” and “swine.” PO Rispoli stated that § 87(2)(b) appeared agitated in that clip because he was very upset with the officers for making him stop his prayer. PO Rispoli then gave § 87(2)(b) the summons. As he headed back to the stationhouse, § 87(2)(b) exited his vehicle and walked up to him and asked for Lieutenant Raso’s name, which PO Rispoli gave. PO Rispoli could not remember Lieutenant Raso saying “Get the fuck out of here,” to § 87(2)(b). He could not remember Lieutenant Raso using any profanity during the incident. PO Rispoli confirmed that he saw Lieutenant Raso put his arm into § 87(2)(b)’s car and grab his right hand.

Lieutenant Raso (**Board Review 9**) stated that he noticed § 87(2)(b)’s vehicle blocking available parking and traffic in the street on the southbound direction of Sedgwick Ave. He noticed § 87(2)(b) was praying behind the vehicle. He then saw the stationhouse security officer, PO Rispoli, approach § 87(2)(b) and assumed he was asking him to leave. After about two minutes of watching from his vehicle, Lieutenant Raso could see that § 87(2)(b) was getting agitated with PO Rispoli because he was yelling and moving his arms wildly. PO Rispoli appeared to remain calm, and Lieutenant Raso heard him asking § 87(2)(b) to leave. Lieutenant Raso then left his vehicle and approached the men to find out what was happening. When he approached, § 87(2)(b) was still yelling and cursing, and Lieutenant Raso told him to move his vehicle. Lieutenant Raso denied saying “Get the fuck out of here” to § 87(2)(b). § 87(2)(b) entered the driver’s side of the vehicle, who continued to yell and scream. PO Rispoli and Lieutenant Raso asked § 87(2)(b) to then move his vehicle and park on the side of the road, and § 87(2)(b) complied and parked his vehicle further to the side of the road. Once he had moved the vehicle and turned it off, § 87(2)(b) attempted to put his keys back in the ignition, and Lieutenant Raso thought he was trying to drive

the vehicle away. At that point, Lieutenant Raso reached his hand in the car to stop § 87(2)(b) from driving away and said “Hold on, wait until we’re done here.” § 87(2)(b) then attempted to push Lieutenant Raso’s hands away, and at that point Lieutenant Raso’s fingers became wrapped up in the sleeves of § 87(2)(b)’s right jacket sleeve. § 87(2)(b) said “Get your fucking hands off me.” Lieutenant Raso said “Hold on, just give it a second,” but believed § 87(2)(b) thought he was trying to touch him. His fingers then became untangled from § 87(2)(b)’s sleeve. PO Rispoli went to get the summons from inside the command, and Lieutenant Raso instructed § 87(2)(b) to stay in the car while he waited for PO Rispoli to return with the summons and his license. § 87(2)(b) asked for Lieutenant Raso’s name, and he gave it to him. PO Rispoli then returned with the summons and Lieutenant Raso went into the stationhouse to prepare for work.

PO Rispoli’s BWC from the incident (**Board Review 2**) appears to begin in the middle of § 87(2)(b) and Lieutenant Raso’s interaction, as it opens with a shot of Lieutenant Raso grabbing § 87(2)(b)’s right wrist in the car. § 87(2)(b) appears to be yelling at Lieutenant Raso. At 00:26 Lieutenant Raso lets go of § 87(2)(b)’s right wrist. At 00:44, § 87(2)(b) hands PO Rispoli his driver’s license, while still appearing to yell at Lieutenant Raso. At 01:00, PO Rispoli walks away from § 87(2)(b)’s vehicle and Lieutenant Raso.

The security from the SRG 2 stationhouse (**Board Review 4 and 13**) captures a portion of the interaction between § 87(2)(b) and Lieutenant Raso. § 87(2)(b)’s vehicle can be identified 12 minutes into the video, and at time stamp 8:12:45.197, § 87(2)(b) exits the vehicle, walks to the passenger side, and takes out a green prayer carpet. He sets the carpet up behind the vehicle and begins to pray standing on the mat. At 8:14:52.463, a man who is white and heavy set and appears to have an NYPD jacket on approaches § 87(2)(b). He maintains distance and appears to speak to § 87(2)(b). § 87(2)(b) continues to pray and kneels down, facing the officer. The officer begins to use hand movements, suggesting irritation. § 87(2)(b) continues to pray. At 8:16:04.933 § 87(2)(b) stands up from his mat and begins to engage the officer. At 8:16:19.333 a man in jeans and a gray sweatshirt approaches § 87(2)(b) and the officer. The three men stand talking in a triangle until 8:16:40.197, when § 87(2)(b) begins to fold up his mat and walks to the side of the car. The man with the grey sweatshirt inches closer to § 87(2)(b). At 8:16:45.730, another officer approaches the three men, but keeps his distance. At 8:17:12.844, § 87(2)(b) begins to step into the driver’s seat of the vehicle. The man in the grey sweatshirt stands very close to the open car door, and at 8:17:28, appears to stick his head into the door, close to § 87(2)(b). The man in the grey sweatshirt then appears to have an extended interaction with § 87(2)(b) as the other two officers stand a few feet behind. At 8:18:32 one of the officers who was standing behind the man in the grey sweatshirt walks back to the stationhouse.

The summons PO Rispoli gave § 87(2)(b) (**Board Review 1**) indicates that “the defendant did park car in front of police facility blocking vehicular traffic entirely in roadway...ignoring multiple requests to relocate himself and vehicle.”

§ 87(2)(g)

_____.

It was undisputed that Lieutenant Raso stuck both his hands and face into § 87(2)(b)’s vehicle, as shown in PO Rispoli’s BWC and stated by all parties. It was also undisputed that Lieutenant Raso grabbed § 87(2)(b)’s right wrist with this left hand, as shown in the BWC and stated by all parties.

§ 87(2)(g)

Civilian and Officer CCRB Histories

- § 87(2)(b) has been party to one other CCRB complaint and has been named as a victim in three allegations (**Board Review 10**).
 - § 87(2)(b)
- Lieutenant Raso has been a member of service for 18 years and has been a subject in 22 CCRB complaints and 77 allegations, of which 14 were substantiated:
 - Case 200801117 involved a substantiated stop of a person and gun pointed allegations. The Board recommended command discipline. The NYPD imposed instructions.
 - Case 200902991 involved a substantiated vehicle stop allegation. The Board recommended charges. The NYPD imposed instructions.
 - Case 201106779 involved a substantiated vehicle stop allegation. The Board recommended charges. The NYPD took no disciplinary action due to statute of limitations.
 - Case 201408512 involved substantiated property damage, premises entered and searched allegations. The Board and the NYPD both recommended and imposed formalized training.
 - Case 201502152 involved substantiated vehicle search and frisk of a person allegations. The Board recommended charges. The NYPD imposed no discipline.
 - Case 201505414 involved substantiated premises entered and searched, and property damage allegations. The Board recommended charges. The NYPD imposed no discipline.
 - Case 201905408 involved substantiated failure to provide RTKA card and Stop allegations. The Board and the NYPD both recommended and imposed command discipline B.
 - Case 201905760 involved substantiated charges of discourteous action. The Board and the NYPD both recommended and imposed formalized training.
 - § 87(2)(g)

Mediation, Civil and Criminal Histories

- This case was unsuitable for mediation.
- On June 23, 2021, a request for a Notice of Claim was sent to the City Comptroller's office, the results of which will be added to the case file upon receipt (**Board Review 11**)

§ 87(2)(b) [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

Squad No.: 10

Investigator: Michael Uhll Inv. Uhll 06/24/2021
Signature Print Title & Name Date

Squad Leader: Eric Rigie IM Eric Rigie 7/16/2021
Signature Print Title & Name Date

Reviewer: _____
Signature Print Title & Name Date